



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

February 7, 2020

By ECF

The Honorable John G. Koeltl
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *SAM Party et al. v. Cuomo, et al.*, 20 CV 323 (JGK) (RWL)

Dear Judge Koeltl:

Although this Office does not represent any Defendant in the above-referenced action, I write to request a 30-day extension of time for Defendants to answer, move, or otherwise respond to Plaintiffs' complaint, from February 11, 2020 to March 12, 2020. This request is made in accordance with New York Public Officers Law § 17(2)(c), pursuant to which the Office of the Attorney General (OAG) must take necessary steps to avoid entry of default judgments when state-employee defendants have requested representation but an investigation into potential representation and conflicts issues is needed.

On February 5, 2020, the OAG determined that it would not appear for the Defendants in this matter. Accordingly, the Defendants need additional time to secure private counsel. By making this request, the OAG does not waive any rights Defendants may have, including the right not to appear or the right to answer, move, or otherwise respond to Plaintiffs' complaint.

No prior extensions have been requested, and there are presently no other scheduled dates that will be impacted by this extension request. We spoke with Counsel for Plaintiffs to request Plaintiffs' consent to this request, and were provided with the following position statement for inclusion with this request:

Plaintiffs do not oppose a thirty-day extension of the Defendants' time to respond to the Complaint. As noted in the Complaint at paragraph 66, however, Plaintiffs will need to seek a preliminary injunction or agree with the Defendants on some other expedited schedule that would permit the Court time to resolve the issues raised by the Complaint before the November 2020 election. Plaintiffs' counsel respectfully request that Defendants' new counsel contact them quickly, to avoid Plaintiffs' having to move for an injunction without coordination between counsel.

Honorable John G. Koeltl

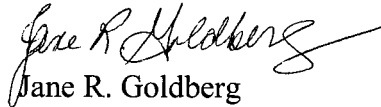
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Accordingly, it is respectfully requested that Defendants' time to answer, move, or otherwise respond to the complaint be extended to March 12, 2020.

Thank you for your time and consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jane R. Goldberg", written over the printed name.

Jane R. Goldberg

Assistant Attorney General

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cc: By ECF
counsel of record